

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTINA VUKIC,
on behalf of herself and all others similarly situated,

08 CIV. 8466
CLASS ACTION COMPLAINT

Plaintiff,

-against-

THE CBE GROUP, INC.,
AFNI, INC. and
KCA FINANCIAL SERVICES, INC.,

JUDGE CONNER

Defendants.

-----x

Plaintiff, by and through her undersigned attorney, alleges upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.
3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Christina Vukic is a resident of the State of New York, Westchester County.
5. Defendant The CBE Group, Inc. is an Iowa Business Corporation engaged in the business of collecting debts. Defendant regularly attempts to collect debts alleged to be due another.
6. Defendant AFNI, Inc. is an Illinois Business Corporation engaged in the business of collecting debts. Defendant regularly attempts to collect debts alleged to be due another. Its Registered Agent is the C T Corporation System, 111 Eighth Avenue, New York, New York 10011.
7. Defendant KCA Financial Services, Inc. is an Illinois Business Corporation engaged in the business of collecting debts. Defendant regularly attempts to collect debts alleged to be due another.

CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a nationwide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of herself and all consumers who have received debt collection notices and/or letters from the defendants which are in

violation of the FDCPA, as of the date of plaintiff's complaint, and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendants.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendants which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendants violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 169e(10), 1692g(a)(4) and 1692g(a)(5).

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

10. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

14. Defendants have acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

15. On or about October 6, defendant The CBE Group, Inc. did send to the plaintiff an initial collection letter concerning telephone number (914) 725-2750. A copy of said letter is annexed hereto as Exhibit A.
16. On October 25, 2007, verification of the disputed debt was requested by Plaintiff's attorney. There was no response. Exhibit B.
17. On or about November 27, 2007, defendant AFNI, Inc. did send the plaintiff an initial collection letter concerning telephone number (914) 725-2750. A copy of said letter is annexed hereto as Exhibit C.
18. On December 7, 2007, verification of the disputed debt was requested by Plaintiff's attorney. There was no response. Exhibit D.
19. On or about May 8, 2008, defendant KCA Financial Services, Inc. did send to the Plaintiff an initial collection letter concerning telephone number (914) 725-2750. A copy of said letter is annexed hereto as Exhibit E.
20. On or about May 28, 2008, Plaintiff disputed the validity of the debt and requested verification of the debt and requested the name and address of the original creditor. Exhibit F.
21. To date there has been no response.
22. As a result of defendants abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

23. Each of the above allegations is incorporated herein.
24. Defendants debt collection attempts violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(10), 1692g, 1692g(a)(4) and 1692g(a)(5), by attempting to collect debts which they cannot verify.
25. As a result of defendants' violation of the FDCPA, plaintiff has been damaged and is entitled to statutory damages, costs and attorney's fees.

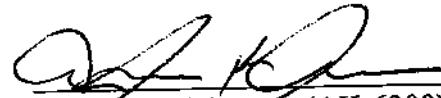
WHEREFORE, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Awarding plaintiff statutory damages against each defendant;
- c) Awarding class members the maximum statutory damages.
- d) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- e) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: October 2, 2008
Uniondale, New York



Abraham Kleinman (AK-6300)
KLEINMAN LLC
626 RexCorp Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

EXHIBIT A



The CBE Group Inc.

Hours of Operation: 9:00 a.m.- 5:00 p.m., CT Monday-Friday

CALL: (866)892-4708

REGARDING: VERIZON

10/06/07

Dear CHRISTINA VIKIC:

This account(s) has been forwarded to this office to collect the balance in full unless disputed within 30 days from receipt of this letter.

Only you can decide if you would like to take advantage of the payment options below to pay this debt.

- Pay by AUTOPAY Check (Please call our office at (866)892-4708)
 - Pay by CREDIT OR DEBIT CARD (See below for details)
 - SEND YOUR CHECK OR MONEY ORDER (Insert in enclosed envelope with bottom of letter)
 - Pay by check or credit card ON-LINE at www.payabc.com (Secure Internet Access)
 - Pay by WESTERN UNION

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days from receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment, and mail you a copy of such judgment or verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor. This is an attempt to collect a debt; any information obtained will be used for that purpose. This communication is from a debt collector.

Para información en español por favor llame al número 1-800-1501-1502.

10. *Leucosia* *leucostoma* *leucostoma* *leucostoma*

Please call our office with change of address information.

PLEASE DETACH AND RETURN WITH ENCLOSED ENVELOPE

ANSWER

009506885-46-00005
131 TOWER PARK, SUITE 100
P.O. BOX 2547
WATERLOO, IA 50704-2547
CHANGE SERVICE REQUESTED

CHANGE SERVICE REQUESTED

IF PAYING BY CREDIT CARD, FILL OUT BELOW	
CARD NUMBER	EXP. DATE
SIGNATURE	
<input type="checkbox"/> AMERICAN EXPRESS <input type="checkbox"/> MASTERCARD <input type="checkbox"/> DISCOVER <input type="checkbox"/> VISA <input type="checkbox"/> MAESTRO	
AMOUNT TO CHARGE: <input type="text" value="46.84"/>	
PLEASE PAY THIS AMOUNT: \$46.84	AMOUNT ENCLOSED:

#BWNHTGJ
#01 00050000534

Your e-mail address:

VUKIC, CHRISTINA
182 BROOK ST APT B3
SCARSDALE NY 10583-5466

**THE CBE GROUP, INC.
PAYMENT PROCESSING CENTER
BOX 3251
MILWAUKEE, WI 53201-3251**

EXHIBIT B

THE KATZ LAW FIRM, PC

Attorneys at Law

85 Highview Road

Suffern, NY 10901

Tel: (845) 290-9678

Fax: (845) 503-2341

David M. Katz

*Admitted in New York & New Jersey

October 25, 2007

SENT VIA FACSIMILE

The CBE Group Inc.

131 Tower Park

Suite 100

Waterloo, IA 50704

**Re: Christina Vukic
Account #9147252750705693**

To Whom It May Concern,

I hereby represent Christina Vukic in regards to the attached letter. Please be advised that my client hereby disputes the validity of this debt. Please send me written verification of this disputed debt.

Sincerely,

David M. Katz

EXHIBIT C

Department 555
PO BOX 4115
CONCORD CA 94524

AFNI, Inc.
404 Brock Drive
PO Box 3517
Bloomington, IL 61702-3517



AFNI, Inc. Account #: 019543594-01
Creditor: VERIZON NEW YORK INC.
Creditor Account #: 9147252750705893
Social Security #: XXX-XX-XXXX
Balance Due: \$46.84

November 20, 2007

CHRISTINA VUKIC
182 BROOK ST APT B8
SCARSDALE NY
SCARSDALE NY 10583-5466

404 Brock Drive
PO Box 3517
Bloomington, IL 61702-3517



Please Return The Top Portion With Your Payment
For proper credit, please write 019543594-01 on your check.

This account has been placed with our agency for collection. It is in your best interest to resolve this account.

If you have any questions, please contact our office toll free at (866)352-0471 Monday through Thursday 7am - 8pm, Friday 7am - 8pm, or Saturday 8am - Noon CST. For proper credit on your account, please write this number 019543594-01 on your payment.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt. Any information obtained will be used for that purpose. You have the right to inspect your credit. This letter is from a debt collector.

VERIZON NEW YORK INC. \$46.84

Sincerely,

AFNI, Inc.

New York City Department of Consumer Affairs License Number #1072175

AFNI, Inc.
404 Brock Drive
PO Box 3517
Bloomington, IL 61702-3517

EXHIBIT D

THE KATZ LAW FIRM, PC

Attorneys at Law

85 Highview Road

Suffern, NY 10590

Tel: (845) 290-9678

Fax: (845) 503-2341

David M. Katz

*Admitted in New York & New Jersey

December 7, 2007

SENT VIA FACSIMILE TO 309-820-2682

AFNI, Inc.

Attn: Recovery Support

404 Brock Drive

P.O. Box 3517

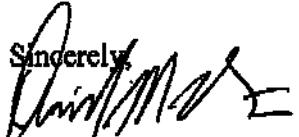
Bloomington, IL 61702-3517

Re: Christina Vukic
AFNI, INC. Account #019543594-01

To Whom It May Concern,

I hereby represent Christina Vukic in regards to the attached letter. Please be advised that my client hereby disputes the validity of this debt. Please send me written verification of this disputed debt. Please also send me proof that AFNI, Inc. represents VERIZON NEW YORK INC.

Sincerely,



David M. Katz

EXHIBIT E

ZM6641-5-SVN - 888-332-8666
 KCAFS 628 North Street
 Post Office Box Number 53
 Geneva, IL 60134
 Forwarding Service Requested



5/8/2008
 VERIZON NORTH NY(W CHESTE
 ACCT# 9147252750705693069

\$46.84

For your convenience you can now make payments by going to our website at: www.kcafs.com
 Click on "On Line Payments" and follow the instructions that are provided.

CHRISTINA VUKIC

182 BROOK ST
 SCARSDALE, NY 10583-5450

KCA FINANCIAL SERVICES, INC.
 628 North Street
 Post Office Box Number 53
 Geneva, IL 60134

ZM6641-5-SVN - 888-332-8666
 CHRISTINA VUKIC



KCA FINANCIAL SERVICES, INC.
 628 North Street
 Financial Services, Inc. Post Office Box Number 53
 Geneva, IL 60134

182 BROOK ST
 SCARSDALE, NY 10583-5450

5/8/2008

RE: YOUR ACCOUNT:

Creditor	Account Number	Principal	Interest	Costs	Total Fees
VERIZON NORTH NY(W CHESTE	9147252750705693069	\$46.84	\$0.00	\$0.00	\$46.84

Other Accounts:	\$0.00
	\$46.84

This account has been listed with our office for collection!

Return the top section with payment in full!

For your convenience, we accept Visa and Mastercard.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

This communication is from a debt collector.

Sending an eligible check for payment to us is deemed sufficient authorization to complete the payment by electronic debit. By doing so, your checking account will be debited the amount of the check and your cancelled check will not be returned by your bank.

Hours of Operation: M-Th 7AM-9PM, F 7AM-5PM, Sat 8AM-12PM CST - Telephone: 888-332-8666

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Christina Vukic
182 Brook Street
Scarsdale, NY 10583

May 28, 2008

SENT VIA FACSIMILE (630) 232-0561
KCA Financial Services, Inc.
628 North Street
Geneva, IL 60134

Re: Account #9147252750705693069

To Whom It May Concern,

I hereby dispute the validity of this debt. Please send me written verification of this disputed debt.

Sincerely,

Christina Vukic

Christina Vukic